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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

AMY G. DEJOHN, Plaintiff, v. WAL-MART STORES EAST, LP, WAL-MART STORES EAST, INC., WAL-MART STORES, INC. and DONALD DEFEO, as an Aider and Abettor, Defendants.	Index No. 09-CV-1315 (GTS) (ATB)

VERDICT FORM

PLEASE NOTE: YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON THIS VERDICT FORM WHICH MUST BE SIGNED BY THE JURY FOREPERSON. THE QUESTIONS MUST BE ANSWERED UNANIMOUSLY.

There should a total of five (5) pages in this Verdict Form Packet, including this sheet.

I. LIABILITY AS TO WALMART

Question 1: **Do you find that Plaintiff proved by a preponderance of the evidence that she was "similarly situated" to a male Store Manager in her Market for purposes of the bonus calculation in Fiscal Year End 2007?**

Answer "Yes" or "No"

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If your answer to Question 1 is "No," your verdict is for Walmart, and you should skip the remaining questions, have the foreperson sign and date this Verdict Form, and return it to the Marshal. If your answer to Question 1 is "Yes", please proceed to Question 2.

Question 2: **Do you find that Plaintiff proved by a preponderance of the evidence that her bonus plan for Fiscal Year End 2007 was substantially more difficult to attain than that assigned to the male Store Manager in her Market who she established was "similarly situated" to her for purposes of the bonus calculation in Fiscal Year End 2007?**

Answer "Yes" or "No"

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If your answer to Question 2 is "No," your verdict is for Walmart, and you should skip the remaining questions, have the foreperson sign and date this Verdict Form, and return it to the Marshal. If your answer to Question 2 is "Yes", please proceed to Question 3.

Question3: **Do you find that Plaintiff proved by a preponderance of the evidence that the difficulty in her bonus plan for Fiscal Year End 2007 resulted in her being paid a significantly less amount for her Fiscal Year End 2007 bonus than what she would have earned under a bonus plan that was equal to a "similarly situated" male Store Manager in her Market in Fiscal Year End 2007?**

Answer "Yes" or "No"

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If your answer to Question 3 is "No," your verdict is for Walmart, and you should skip the remaining questions, have the foreperson sign and date this Verdict Form, and return it to the Marshal. If your answer to Question 3 is "Yes", please proceed to Question 4.

Question 4: Do you find that Plaintiff proved by a preponderance of the evidence that the significant difference between what she was paid for her Fiscal Year End 2007 bonus and what she would have been paid under the bonus plan assigned to a "similarly situated" male Store Manager in her Market during the same year was because of intentional gender discrimination?

Answer "Yes" or "No"

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If your answer to Question 4 is "No," your verdict is for Walmart, and you should skip the remaining questions, have the foreperson sign and date this Verdict Form, and return it to the Marshal. If your answer to Question 4 is "Yes", please proceed to Question 5.

II. LIABILITY AS TO DONALD DE FEO

Question 5: Do you find that Plaintiff proved by a preponderance of the evidence that Mr. DeFeo personally discriminated against Plaintiff because of her gender with regard to her Fiscal Year End 2007 bonus?

Answer "Yes" or "No"

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Please proceed to Question 6.

III. DAMAGES

__Question 6__: **What amount of money, if any, did Plaintiff establish, by a preponderance of the evidence, is the difference between what she has already been paid for her Fiscal Year End 2007 bonus and what she would have been paid under the bonus plan assigned to a "similarly situated" male Store Manager in her Market but for gender discrimination?**

Note: If you find that a non-speculative amount was not established by Plaintiff by a preponderance of the evidence, you must award $1.00.

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Please proceed to Question 7.

__Question 7__: **Do you find that Plaintiff proved by a preponderance of the evidence that she suffered an actual, discernible emotional injury due to gender discrimination with respect to her Fiscal Year End 2007 bonus?**

Answer "Yes" or "No"

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If your answer to Question7 is "No," skip Question 8, have the foreperson sign and date this Verdict Form, and return it to the Marshal. If your answer to Question 7 is "Yes", please proceed to Question 8.

__Question 8__: **What is the amount of money, if any, that Plaintiff has proven that she suffered due to gender discrimination with respect to her Fiscal Year End 2007 bonus?**

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YOUR DELIBERATIONS ARE COMPLETE.

REPORT YOUR VERDICT TO THE MARSHAL. PLEASE REMEMBER TO DATE AND SIGN THIS VERDICT SHEET. THANK YOU.

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Date

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Foreperson